

IHSS Overview

Assembly Budget - Sub 1 Committee

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California Department of Social Services

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In-Home Supportive Services (IHSS)

The IHSS Program has a long rich history of service and has been in operation for over 40 years. It is the largest program of its kind in the United States.

- » Key cornerstone of IHSS: It affords consumers the ability to remain safely in their homes/communities in lieu of institutionalization.

California is a leader nationwide in providing home and community based services. It is one of only three states that has successfully “rebalanced” long-term supports and services to home and community based care.

- » California spends over 54% on long term care costs for Home and Community-Based Services (HCBS).
- » IHSS represents over 95% of these services.

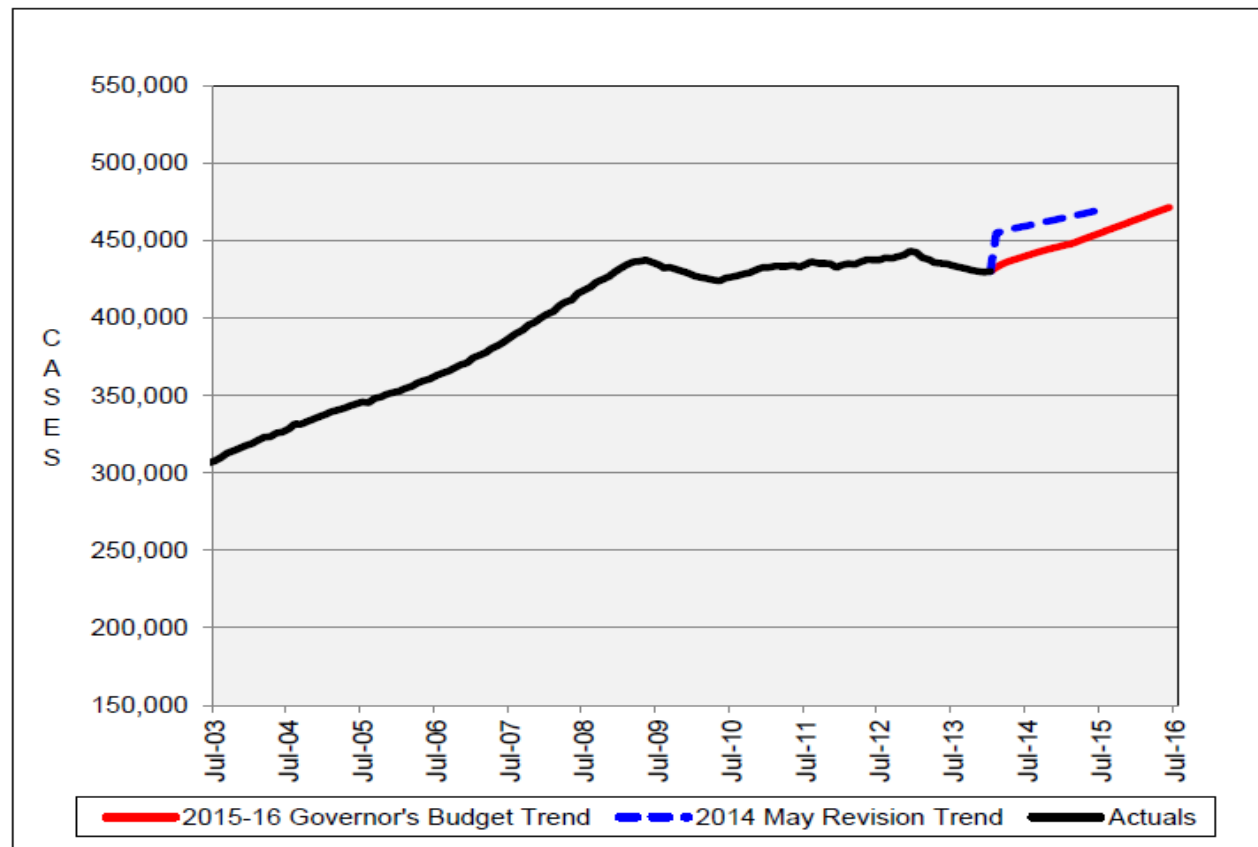


IHSS (continued)

- » Fiscal Year (FY) 2015-16 estimates approximately 463,537 IHSS consumers who receive an average of 101.9 hours per month at an average monthly cost of \$1,291.96 (absent the cost impacts of overtime)
- » These IHSS consumers:
 - 16% are 85 years of age or older
 - 41% are ages 65-84
 - 36% are disabled adults
 - 7% are under the age of 21

IHSS (continued)

In-Home Supportive Services (IHSS) Caseload Trend Analysis



The 2016-17 Governor's Budget projects the average monthly caseload for FY 2015-16 will increase 4.5 percent from the previous FY and the caseload for FY 2016-17 will increase by 5.7 percent from FY 2015-16. The 2016-17 Governor's Budget projections are increasing at a slower rate compared to past years.

IHSS Budget

» Today -

- 99% of the IHSS Program receives federal funding of
 - * 50% for the Personal Care Services Program (PCSP) (1993) and IHSS Plus Option (IPO) (2010)
 - * And 56% for the Community First Choice Option (CFCO) (December 2011)
- Less than 1% of the IHSS program remains in the IHSS Residual Program which is State and County Funded (65/35)
- Effective July 1, 2012, county participation is a fixed maintenance of effort (MOE) level of spending

IHSS and CCI

» 2012 - Coordinated Care Initiative (CCI) Enacted

Senate Bill 1036 (Chapter 45, Statutes of 2012)

- Between April 2014 and July 2015, seven CCI counties entered into Cal MediConnect: Riverside, San Bernardino, San Diego, San Mateo, Los Angeles, Santa Clara, Orange.
 - IHSS is identified as a Long Term Services and Support (LTSS) under the Duals Demonstration Project
 - Establishes new roles and relationships with Managed Care Health Plans, California Department of Social Services (CDSS), Counties and Public Authorities

IHSS and CCI

2015 - 2016

» Continue integration and monitoring of CCI requirements:

- Governor's budget extends CCI funding into FY 2016-17
- CDSS collects monthly and quarterly statistics from the CCI counties regarding integration of IHSS into managed health care plan (MHCP) operating procedures
- CCI counties and CDSS monitor effectiveness of MHCP Care Coordination Teams

Universal Assessment Tool (UAT)

CDSS, Department of Health Care Services (DHCS) and CDA (Advisory Team) continue to work with Design Team from the UCLA Boren School of Gerontology to prepare draft UAT for focus group, pre-pilot and pilot testing.

- Original 316 draft items, developed by Design Team from participant responses to 2014 stakeholder retreat, have been reduced by half toward development of a 90-minute assessment of the needs of applicants for/recipients of HCBS.
- 68 core items have been identified, which directly assess the need for assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs).
- A Pre-Assessment Telephone Interview (PATI) has been developed to allow collection of preliminary information at the time of request for HCBS, thus reducing the time necessary to administer the in-home interview.
- It is expected that UAT focus group testing will begin in May 2016 and pre-pilot testing in early 2017.

The Statewide Authority

- » Statewide Authority was formally established on February 23, 2015, for collective bargaining in the CCI counties
- » Six counties have transitioned to the Statewide Authority
 - > San Mateo on February 23, 2015
 - > Los Angeles, Riverside, San Bernardino and San Diego on July 1, 2015
 - > Santa Clara on January 1, 2016
 - > Orange will transition on August 1, 2016

The Statewide Authority

- » The Statewide Authority appointed a 13-member **IHSS Stakeholder Advisory Committee (SAC)** on August 6, 2015
- » The SAC provides ongoing advice and recommendations regarding the IHSS program to the Departments of Social Services and Health Care Services and the Statewide Authority
 - > The SAC does not provide input on any matters related to collective bargaining
- » Meetings convened: October 23, 2015 and January 15, 2016
- » Next meeting: July 15, 2016 in Sacramento

IHSS and FLSA

Application of the Fair Labor Standards Act (FLSA) to Domestic Services

The U.S. Department of Labor (DOL) published the Final Rule on October 1, 2013. A series of court actions delayed its effective date.

The Final Rule:

- Prohibits third-party employers from claiming exemptions from minimum wage and overtime compensation requirements.
 - Third-party employers are employers other than the individual receiving services or his/her family or household.
- Narrows the definition of “companionship services.”
- California implemented the Final Rule effective February 1, 2016.

IHSS and FLSA

- » **State Legislation to Implement Overtime Restrictions**
- » **Assembly Bill (AB) 855**
 - Limited weekly work hours to 66 (61, under the 7 percent reduction).
 - Limited travel time to 7 hours per week.
 - Established three-month transition period to learn the new rules (no violations for working in excess of 66 hours per week or traveling in excess of 7 hours per week.)
 - Required an IHSS provider to inform recipients of the number of hours he/she is available to work for that recipient.
- » **AB 873**
 - Allowed an IHSS recipient with a single provider to request his/her provider to work in excess of the recipient's weekly authorized hours with county approval if the additional overtime hours of work that result from the request do not exceed the total number of hours that the provider would be authorized to work in that month.

IHSS Program Updates

COST ASSUMPTIONS TO CALIFORNIA:

- » Implementation of the U.S. Department of Labor regulations that require overtime pay for domestic workers effective February 1, 2016, is estimated to cost \$942 million (\$443.8 million State General Fund) in FY 2015-16.
- IHSS program estimates for FY 2016-17 an increase of \$396.9 million in funding due to the increase in caseload growth, higher cost per hour and higher hours per case .
- Based on these estimates, the estimated IHSS budget for FY 2016-17 is \$10.4 billion.

OVERTIME IMPLEMENTATION:

All County Letter's(ACLs)/Mailers/Notices

- October 15, 2015: CDSS developed mailers/notices for all IHSS recipients and providers to inform them of the new requirements, including overtime, workweek, and travel time.
- December 1, 2015: CDSS released ACL 15-97 to inform counties of FLSA implementation as of February 1, 2016.
 - Mailers in English, Armenian, Spanish & Chinese (Mandarin) were sent to providers & recipients (TEMP 3001 and 3002). These were sent early December 2015 through January 2016.
- January 7, 2016: CDSS released ACL 16-01 to provide counties with instructions, including the policies and procedures for implementation of the overtime, workweek requirements, (pursuant to Senate Bill (SB) 855 and SB 873). These included the revised forms and notices.
- ACL 16-07 was released on January 21, 2016, and provides counties with information for implementing Exemptions to the Provisions of SB 855 and 873.
 - Exemption 1 allows IHSS providers, who meet certain requirements on or before January 31, 2016, to work up to 12 hours per day, or 90 hours per workweek, not to exceed 360 hours per month.
- January 18, 2016, notices were mailed to all recipients and providers identified in Case Management, Information and Payroll System (CMIPS) as potentially eligible for Exemption 1.
 - Providers were also sent "IHSS Program Live-In Family Care Provider Overtime Exemption form (SOC 2279)" form to complete, which provides their recipients' names, addresses, case numbers, their relationship to the recipients, and if they live in the same residence as their recipients.

STATUS OF IHSS TIMESHEETS:

- » Timesheet and CMIPS modifications were made to accommodate the payment of overtime and travel time implemented on February 1, 2016.
- » A provider who provides services on the same workday for multiple recipients may be able to claim hours to be paid for travel time in accordance with Welfare and Institutions Code (WIC) section 12300.4(f). Beginning February 1, 2016, IHSS and Waiver Personal Care Services (WPCS) providers who meet the travel time eligibility criteria are eligible to be paid for travel time.
- » System functionality to support travel time payment using the new IHSS Travel Claim Form has been implemented. Travel time claimed can be paid retroactively to February 1, 2016, for travel eligible providers.